

MAILED

NOV 10 1997

Paper No. 37

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES  
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

RECEIVED

DEC 5 1997

Ex parte ROGER F. BAINES

OFFICE OF THE DIRECTOR  
GROUP 2100

Appeal No. 94-2518  
Application 07/702,615<sup>1</sup>

ORDER VACATING ORAL HEARING AND REMANDING TO THE EXAMINER

On November 10, 1997, Mr. Dale M. Shaw, a Program and Resources Administrator of the Board of Patent Appeals and Interferences, informed appellant's counsel, Mr. James A. Finder, that the Merits Panel assigned to this application had decided to remand the application back to the examiner. Mr. Shaw further informed Mr. Finder that since the application was to be remanded, that the Oral Hearing scheduled for November 12, 1997, will be vacated, and that the order vacating the Oral Hearing and Remanding the application would be faxed to Mr. Finder.

An Amendment after Final Rejection was filed by appellant on May 25, 1994 (Paper No. 24). The Advisory Action mailed to appellant on July 20, 1994 (Paper No. 25), indicated that the proposed amendment to the specification will not be entered, but the Advisory Action failed to indicate the status of the proposed amendments to the claims. On August 1, 1994, appellant filed a

---

<sup>1</sup> Application for patent filed May 17, 1991.

Appeal No. 94-2518  
Application 07/702,615

response indicating that appellant interpretation was that the proposed amendments to the claims had been entered. However, a review of the application shows that the amendments to the claims have not been entered.

The application, by virtue of its "special" status, requires immediate action. See Manual of Patent Examining Procedure, § 708.01(d). It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal.

Accordingly it is

ORDERED that the Oral Hearing scheduled for 9 AM on November 12, 1997 is VACATED, and

IT IS FURTHER ORDERED that the application be remanded to the examiner, for the examiner to specifically whether or not the Amendment After final Rejection is entered or not.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

  
DALE M. SHAW  
Program and Resource Administrator

cc: Osterlenk, Faber, Gerb & Soffen  
1180 Avenue of the Americas  
New York, NY 10036-8403